

UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

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DONALD STEVEN YAAG,

Petitioner,

v.

ROBERT LeGRAND, et al.,

Respondents.

Case No. 3:14-cv-00295-MMD-WGC

ORDER

This action is a *pro se* petition for a writ of habeas corpus filed pursuant to 28 U.S.C. § 2254 by a Nevada state prisoner.


On October 16, 2014, the Court entered an order denying petitioner's motion for the appointment of counsel, directing the Clerk to serve the petition on respondents, and setting a deadline for respondents to file a response to the petition. (Dkt. no. 4). Petitioner has filed a motion for reconsideration of the Court's denial of his motion for the appointment of counsel. (Dkt. no. 6). When a party challenges an interlocutory order, a district court may rescind, reconsider, or amend a previous order pursuant to its inherent power to modify interlocutory orders before the entry of final judgment. *City of Los Angeles, Harbor Div. v. Santa Monica Baykeeper*, 254 F.3d 882, 886-87 (9<sup>th</sup> Cir. 1987).

Pursuant to 18 U.S.C. § 3006(a)(2)(B), the district court has discretion to appoint counsel when it determines that the "interests of justice" require representation. There is no constitutional right to appointed counsel for a federal habeas corpus proceeding. *Pennsylvania v. Finley*, 481 U.S. 551, 555 (1987); *Bonin v. Vasquez*, 999 F.2d 425, 428 (9<sup>th</sup> Cir. 1993). The decision to appoint counsel is generally discretionary. *Chaney v.*

1 *Lewis*, 801 F.2d 1191, 1196 (9th Cir. 1986), *cert. denied*, 481 U.S. 1023 (1987); *Bashor*  
2 *v. Risley*, 730 F.2d 1228, 1234 (9th Cir.), *cert. denied*, 469 U.S. 838 (1984). In the order  
3 of October 16, 2014, this Court found that the petition is well-written and sufficiently  
4 clear in presenting the issues that petitioner wishes to bring, and the issues are not  
5 complex. Accordingly, the motion for appointment of counsel was denied. Nothing in  
6 petitioner's motion for reconsideration causes this Court to alter its decision that the  
7 appointment of counsel is not justified in this case.

8 It is therefore ordered that petitioner's motion for reconsideration of the order  
9 denying the appointment of counsel (dkt. no. 6) is denied.

10 DATED THIS 27<sup>th</sup> day of October 2014.

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14 MIRANDA M. DU  
15 UNITED STATES DISTRICT JUDGE  
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